

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

WARNER CHILCOTT COMPANY, LLC and
WARNER CHILCOTT (US), LLC,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC. and TEVA
PHARMACEUTICAL INDUSTRIES LTD.,

Defendants.

Civil Action No. 11-06936
(FSH)(PS)

**STIPULATION AND ORDER DISMISSING WITHOUT PREJUDICE
DEFENDANT TEVA PHARMACEUTICAL INDUSTRIES LTD.
AND AMENDING CAPTION TO REFLECT SAME**

This stipulation is made by and between (i) Warner Chilcott Company, LLC and Warner Chilcott (US), LLC (collectively, “Plaintiffs”); and (ii) Teva Pharmaceuticals USA, Inc. (“Teva USA”) and Teva Pharmaceutical Industries Ltd. (“Teva Ltd.”) (collectively, “Defendants”).

WHEREAS, Plaintiffs filed suit against Defendants in the above-captioned case (the “Action”); and

WHEREAS, Teva Ltd. maintains that it is not a proper defendant in the Action;

WHEREAS, Plaintiffs disagree with the position of Defendants stated above; and

WHEREAS, resolution of such disagreement by motion practice will consume time and expense that Plaintiffs and Defendants wish to avoid by entering into this stipulation;

NOW THEREFORE, Plaintiffs and Defendants, by and through their respective undersigned counsel in the Action, and subject to the approval of the Court, stipulate and agree as follows:

1. Teva Ltd., including all affiliates and subsidiaries thereof, agrees to be bound by any judgment, order, or decision, including any injunction, rendered as to Teva USA in the Action (including appeals) as if they were a named defendant.

2. Teva Ltd. agrees that, to the extent it has in its possession, custody, or control information or materials that would be discoverable or responsive to requests for admission in the Action if it were to remain a party to the Action (“Discovery”), it will search for and provide such Discovery to Teva USA’s counsel, and Teva USA will produce such discovery in response to discovery requests served on Teva USA in the Action as if the Discovery were Teva USA’s own. Plaintiffs may depose employees of Teva Ltd. by serving deposition notices on Teva USA, without need for (a) service of subpoenas or (b) if located outside the United States, adherence to the procedures of the Hague Convention or other methods of foreign service. Teva USA will also accept Rule 30(b)(6) deposition notices containing topics directed to information that may be held by Teva Ltd. and the witness presented in response thereto shall investigate information in the possession, custody, or control of Teva Ltd. Teva Ltd. further agrees to be bound by resolution of discovery matters in this Action. For clarity, this paragraph does not constitute a waiver of any limitations, objections or defenses to the provision of discovery that are available to parties to an action under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, or any other applicable authority, including attorney-client privilege and work product immunity, and Teva USA shall have the right to assert any

such limitations, objections or defenses to the production of Discovery from Teva Ltd. as if the Discovery were Teva USA's own.

3. Teva Ltd. and Plaintiffs submit and consent to the jurisdiction of this Court for purposes of enforcing this stipulation, and to adjudicate or resolve any disputes regarding its terms, interpretation, application, or requirements.

4. Teva USA agrees that it will not contest personal jurisdiction for purposes of this Action and, as such, will not move to dismiss the Action on grounds that the District Court for the District of New Jersey lacks jurisdiction over Teva USA for purposes of the Action. Teva USA also agrees that it will not contest venue in the District of New Jersey in the Action and, as such, will not move to change the venue of the Action. Teva USA further agrees that it will provide in the Action such discovery from Teva Ltd. as agreed to by Teva Ltd. in paragraph 2 above.

5. Plaintiffs hereby dismiss without prejudice Defendant Teva Pharmaceutical Industries Ltd. pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

6. The terms of this stipulation are made without prejudice to the respective positions of Plaintiffs and Defendants as to whether Teva Pharmaceutical Industries Ltd. is a proper defendant in the Action. The terms of this stipulation also cannot be used by Plaintiffs or Defendants to argue for or against jurisdiction in the future.

7. The case caption for the Action shall be amended to remove Teva Pharmaceutical Industries Ltd. as follows:

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Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

Civil Action No. 11-06936
(FSH)(PS)

Respectfully Submitted,

DATED: March 23, 2012

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Teva Pharmaceuticals USA, Inc. and
Teva Pharmaceuticals Industries Ltd.

It is SO ORDERED, this 26th day of MARCH, 2012.


Hon. Faith S. Hochberg
United States District Judge